

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

IN RE:)	
)	
MARIA ALLISON)	Case No. 18-35345-KLP
)	Chapter 13
Debtor)	

MARIA ALLISON)	
)	
Plaintiff)	
)	
v.)	APN: 18-_____
)	
OCWEN LOAN SERVICING, LLC)	
Serve: Corporation Service Company, R/A)	
100 Shockoe Slip, 2d Floor)	
Richmond, VA 23219)	
)	
and)	
)	
DAVID W. DRAPER, TRUSTEE)	
750 Miller Drive, Suite C-1)	
Leesburg, VA 20175)	
)	
Defendants)	

**COMPLAINT TO DETERMINE
THE VALIDITY, PRIORITY OR EXTENT OF LIENS**

COMES NOW, the Plaintiff, by counsel and respectfully represents unto the Court the following:

1. The jurisdiction of this Court is founded upon 11 U.S.C. § 1322 and Rule 7001 of the Federal Rules of Bankruptcy Procedure.
2. This matter is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).

3. The Plaintiff is the Debtor in the above captioned Chapter 13 case, which case was filed on October 24, 2018.

4. The estate of the Plaintiff includes an interest in real estate known as 1015 Swan Lane, Ruther Glen, VA 22546, more particularly described as:

ALL that certain lot, piece or parcel of land, together with all appurtenances thereto belonging or in anywise thereto appertaining, lying and being situate in Madison Magisterial District, Caroline County, Virginia, designated as Lot 564, Section 4, on a plat of Lake Land'Or Development, which plat is of record in the Office of the Clerk of the Circuit Court of Caroline County, Virginia in Plat Book 191, at Page 335.

(“Property”).

5. There is a recorded first deed of trust against the Property by Ocwen Loan Servicing, LLC (“Ocwen”), which at the time of the filing of this case had an approximate balance of \$199,454.00, and which deed of trust is dated February 26, 2007 and is recorded in the Clerk’s Office of the Caroline County Circuit Court in Deed Book 891 at Page 283 (“First Deed of Trust”).

6. Ocwen has recorded a second deed of trust dated February 26, 2007 against the Property that secures its promissory note, which at the time of the filing of this case had an approximate balance of \$47,297.00, and which deed of trust was recorded in the Clerk’s Office of the Caroline County Circuit Court in Deed Book 891 at Page 298 (“Second Deed of Trust”).

7. David W. Draper, Trustee is the named Trustee in the Second Deed of Trust and is a necessary party to this action.

8. Upon information and belief, the value of the Property is \$184,600.00 which is less than the payoff of the promissory note secured by First Deed of Trust. A copy of the current assessment on the Property is attached hereto as Exhibit “A”.

9. Based upon the value of the Property and the balance of the note secured by the First Deed of Trust, the Second Deed of Trust on the Property is fully unsecured.

WHEREFORE, the Plaintiff respectfully requests that the Court enter an Order declaring that Ocwen's note secured by the Second Deed of Trust is fully unsecured, that the Plaintiff be permitted to treat Ocwen's allowed claim with respect to the Second Deed of Trust as unsecured in her Chapter 13 Plan, that the Second Deed of Trust be released against the Property, and for such other relief as the Court may deem appropriate.

Dated: November 21, 2018

Respectfully Submitted,

MARIA ALLISON

By: /s/ James E. Kane

James E. Kane (VSB #30081)
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Caroline County

EXHIBIT Document

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Virginia Mass Appraisal Network

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Property Information - Tax Map# 51A4 1 564 - Account# 10417

Property Owner:

Allison Maria C

Legal Description:

Lake Land Or
Lot 564 Sect 4[View Sketch](#)

(Building 1)

Owners Address:

1015 Swan Lane
Ruther Glen, Va 22546

Prior Assessment:

190,700

Zoned:

R1

Total Land Area:

.00Acres

Assessment Values:

Building 1

154,610

Other Improvements:

0

Land Value:

30,000

Calculated Value:

184,610

Rounded Taxable Value:

184,600

Physical Location:

1015 Swan Lane
Ruther Glen, Va 22546

Magisterial District:

Madison

[-Property Information-](#)
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